

BUSTR TO AMEND RULES

By Peter Chace, BUSTR Chief

For the past year BUSTR, in cooperation with the State Assurance Fund and other members of the regulated community, has been working on revisions to our Corrective Action rule for releases of petroleum into the environment (Ohio Administrative Code 1301:7-9-13, "Petroleum UST Corrective Action"). As a result we have developed a rule that uses the same risk based corrective action approach as our current rules (effective March 31, 1999) but with a few important changes addressed below.

One of our primary objectives is to have all releases in Ohio governed by the same administrative rule. We intend to establish the new corrective action rule by January 1, 2005. It will establish a phase-in period of six months (July 1, 2005) for owners and operators operating under the 1992 rule and one year (January 1, 2006) for those operating under the 1999 rule to transition to the new 2005 corrective action rule.

We have made significant changes to the way ground water is classified in a Tier 1 evaluation, and the implications of this classification. A site that meets nondrinking water criterion will have to define a contaminant plume out to "ground water delineation standards" that will be sufficient to describe the plume behavior.

All of our action levels have been reassessed using current toxicological data. We are considering including 1,2,4-Trimethyl Benzene as a chemical of concern for light petroleum distillates, as our data shows it is a major component in the soil to indoor air exposure pathway. In addition, we have eliminated language requiring evaluation of soil saturation and instead have made Total Petroleum Hydrocarbon (TPH) analysis required for all releases. **Major changes to the rule are more fully summarized in the chart on page 2.**

BUSTR is also amending all their other rules as part of the five-year rule review process. Highlights of other rule changes are:

- ✓ Secondary containment for piping, and containment sumps for dispensers and submersibles will be required for new installations.
- ✓ Internal lining will no longer be an approved method of corrosion protection for existing UST systems. USTs with lining before the effective date of this rule will not be affected.
- ✓ Ground water and soil vapor monitoring are being phased out as valid means of leak detection effective 12/31/05.
- ✓ Sump sensors will be required for new UST systems.
- ✓ A visual inspection of UST components will be required annually.
- ✓ Annual evaluations of leak detection systems will be required to be performed by a Certified UST installer.

You can receive a draft copy of the rules by contacting BUSTR at 1-614-752-7938. We intend to file these rules on September 30 of this year, with a public hearing scheduled for Thursday, November 4, 9 AM at the Office of the State Fire Marshal.

We intend to offer informal seminars on how to work with the rules to interested parties sometime in early to mid December, although dates have not been set as yet. BUSTR will also participate with the State Assurance Fund in offering three seminars in early 2005.